

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF WEST VIRGINIA
(CLARKSBURG)
CIVIL ACTION NO. 1:10-cv-105

**Certified
Transcript**

MARY LOUISE PEASLEE,
Individually and as Executrix
of the Estate of Paul C. Peaslee, DEPOSITION OF:
deceased, MARY LOUISE
Plaintiff, PEASLEE
vs.
KAWASAKI MOTORS CORP., USA,
a foreign corporation,
Defendant.

TRANSCRIPT of the stenographic
notes of the proceedings in the above-entitled
matter, as taken by and before Debra A. Volk, a
Professional Court Reporter and Notary Public of
the State of West Virginia, held at the offices
of ESTEP & SHAFFER, LC, 212 W. Main Street,
Kingwood, West Virginia 26537, on February 15,
2011, commencing at 2:23 p.m.

Job No. CS311586

EXHIBIT

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vices

1 Paul after the accident getting out of the Mule,
2 showed him getting out with a cane? Are you
3 familiar with those photographs?

4 A. I saw them. Neil Reed I think took
5 them.

6 Q. Okay. Do you know when those were
7 taken?

8 A. No.

9 Q. Did Paul use a cane --

10 A. No. Only after the accident.

11 Q. Again, allow me just to finish my
12 question. You knew the question, but did Paul
13 use a cane before his accident?

14 A. No, sir.

15 Q. You had mentioned Paul was healed
16 from his injuries?

17 A. The wound closed up.

18 Q. When did the wound close up?

19 A. Let me see. It was after the second
20 lady that was helping me, because for a long time
21 we had to bath him.

22 MR. ESTEP: He just wants to
23 know when it closed up if you know.

24 THE WITNESS: Last June I
25 guess I'll say.

1 woods was around and the open field, and he first
2 went up and drove around the front -- after he
3 fed the ones that come to the gate, he went up
4 into the field and he didn't see any, so then he
5 came back and started to go around close to the
6 edge of the field to where the fence was so if
7 there were any openings the fence was broken and
8 the cattle had gotten out, he'd know where to fix
9 the fence and get the cattle back in. And he's
10 driving -- he said it was an incline, I don't
11 know, I was never there. He said that he went up
12 and saw this limb on the electric fence. So he
13 pulled, stopped, and pulled the emergency brake,
14 and then when he got out he bumped the brake and
15 he never got the limb off of there and then it
16 started going backwards.

17 Q. What did he bump the brake with?

18 A. What did he bump the brake with?

19 Q. Yes, ma'am.

20 A. His body I guess. His hip or --

21 Q. Did he tell you specifically what
22 part?

23 A. His pants leg or a hip, butt, one of
24 those. I don't know because it was right there
25 close. I seen the -- he just --

1 Q. Did he tell you which specific part
2 of his body?

3 A. He just said that he bumped it.

4 Q. When did you have this conversation
5 with Paul?

6 A. After he come home. I don't know.
7 I don't know which day.

8 Q. Do you think it was two months from
9 the accident time or the time and date of the
10 accident?

11 A. I'd have no idea when we talked.

12 Q. Do you think it was -- when did he
13 come home? You just mentioned when he came home.

14 A. Yeah.

15 Q. What does that mean? Was it --?

16 A. Well, after he was home, after he
17 left the nursing home, see, then he came home.
18 He was home. That's the first we was home.

19 Q. And when he was first home was that
20 before Christmas 2009? Before Thanksgiving 2009?

21 A. I can't tell you right now. I don't
22 know --

23 Q. So it could've been the next year in
24 January 2010?

25 A. I don't think so. I think it was --